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E.O. 12958: N/A

TAGS: [KTIA](#) [MARR](#) [MOPS](#) [PM](#) [PREL](#) [DR](#)

SUBJECT: AGREEMENT WITH THE DOMINICAN REPUBLIC ON STATUS
OF FORCES FOR DOD PERSONNEL TEMPORARILY PRESENT IN THE
DOMINICAN REPUBLIC

¶1. (U) THIS IS AN ACTION REQUEST. SEE PARAGRAPHS 2, 5, and
¶6.

¶2. (U) DOD HAS ASKED THE DEPARTMENT TO SECURE STATUS
PROTECTIONS FOR U.S. MILITARY PERSONNEL WHO WILL BE
TEMPORARILY PRESENT IN THE DOMINICAN REPUBLIC IN CONNECTION
WITH MILITARY EXERCISES AND TRAINING, COUNTER-DRUG RELATED
ACTIVITIES, UNITED STATES SECURITY ASSISTANCE PROGRAMS, OR
OTHER AGREED UPON PEACEFUL PURPOSES. POST IS REQUESTED TO
PROPOSE TO THE GOVERNMENT OF THE DOMINICAN REPUBLIC AN
EXCHANGE OF DIPLOMATIC NOTES FOR THIS PURPOSE, USING THE TEXT
AT PARAGRAPH 3. TO AVOID THE EXCHANGE OF MULTIPLE NOTES,
POST SHOULD PRESENT THE BELOW NOTE IN A DRAFT FORMAT AND SEND
A FINAL NOTE ONLY AFTER REACHING AGREEMENT ON THE TEXT. ANY
HOST COUNTRY PROPOSAL FOR CHANGES TO THE U.S. TEXT SHOULD BE
REFERRED TO THE DEPARTMENT.

¶3. (U) BEGIN TEXT OF DRAFT NOTE: (COMPLIMENTARY OPENING) AND
HAS THE HONOR TO REFER TO THE EMBASSY,S NOTE NO. 73, DATED
JULY 20, 1988, AND THE MINISTRY,S REPLY IN NOTE NO. DEJ
24531, DATED AUGUST 4, 1988 (HEREAFTER &THE 1988
AGREEMENT8), AND TO RECENT DISCUSSIONS BETWEEN
REPRESENTATIVES OF THE TWO GOVERNMENTS REGARDING THE STATUS
OF MILITARY AND CIVILIAN PERSONNEL OF THE UNITED STATES
DEPARTMENT OF DEFENSE (HEREAFTER &UNITED STATES PERSONNEL8)
WHO MAY BE TEMPORARILY PRESENT IN THE DOMINICAN REPUBLIC IN
CONNECTION WITH MILITARY EXERCISES AND TRAINING, COUNTER-DRUG
RELATED ACTIVITIES, UNITED STATES SECURITY ASSISTANCE
PROGRAMS, OR OTHER AGREED UPON PEACEFUL PURPOSES.

(U) AS A RESULT OF THESE DISCUSSIONS, THE EMBASSY TAKES NOTE
OF THE 1988 AGREEMENT AND PROPOSES THAT THE TERMS OF THIS
NOTE SHALL APPLY WITH REGARD TO UNITED STATES PERSONNEL, AS
DEFINED HEREIN. IN PARTICULAR, THE EMBASSY PROPOSES THAT,
WITHOUT REGARD TO THE DURATION OF THEIR PRESENCE IN THE
DOMINICAN REPUBLIC, SUCH PERSONNEL SHALL BE ACCORDED A STATUS
EQUIVALENT TO THAT ACCORDED TO THE ADMINISTRATIVE AND
TECHNICAL STAFF OF THE EMBASSY OF THE UNITED STATES OF
AMERICA UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS
OF APRIL 18, 1961 (VIENNA CONVENTION).

(U) THE EMBASSY FURTHER PROPOSES THAT UNITED STATES PERSONNEL
SHALL BE PERMITTED TO ENTER AND EXIT THE DOMINICAN REPUBLIC
WITH UNITED STATES IDENTIFICATION AND WITH COLLECTIVE
MOVEMENT OR INDIVIDUAL TRAVEL ORDERS. DOMINICAN REPUBLIC
AUTHORITIES SHALL ACCEPT AS VALID DRIVING LICENSES OR PERMITS
ISSUED BY THE APPROPRIATE U.S. AUTHORITIES TO UNITED STATES
PERSONNEL FOR OPERATION OF VEHICLES; AND SUCH PERSONNEL SHALL
BE AUTHORIZED TO WEAR U.S. GOVERNMENT ATTIRE (UNIFORMS) AND
TO CARRY AUTHORIZED WEAPONS WHEN REQUIRED FOR THEIR MISSION
WHILE PERFORMING OFFICIAL DUTIES.

(U) IN THE EVENT THAT AGREED ACTIVITIES INVOLVE THE USE OF
CONTRACTORS, THE UNITED STATES GOVERNMENT MAY AWARD CONTRACTS
FOR THE ACQUISITION OF ARTICLES AND SERVICES, IN ACCORDANCE

WITH ITS LAWS AND REGULATIONS. THE UNITED STATES GOVERNMENT SHALL HAVE THE RIGHT TO CHOOSE SUCH CONTRACTORS, AND UNITED STATES CONTRACTORS AND THEIR EMPLOYEES SHALL BE ACCORDED THE SAME PRIVILEGES AS UNITED STATES ARMED FORCES AND CIVILIAN PERSONNEL WITH REGARD TO LICENSING AND REGISTRATION OF VEHICLES, DRIVERS, AND PROFESSIONAL PERSONNEL; WITH REGARD TO THE EXPORT, IMPORT, AND ACQUISITION OF GOODS AND EQUIPMENT FOR OFFICIAL OR PERSONAL USE.

(U) THE EMBASSY OF THE UNITED STATES FURTHER PROPOSES THAT THE GOVERNMENT OF THE DOMINICAN REPUBLIC ACCORD DUTY-FREE IMPORTATION AND EXPORTATION, AS WELL AS EXEMPTION FROM INSPECTION AND TAXATION, OF PRODUCTS, PROPERTY, MATERIEL, EQUIPMENT, VEHICLES, VESSELS, AND AIRCRAFT IMPORTED INTO, ACQUIRED IN, OR EXPORTED FROM THE DOMINICAN REPUBLIC BY OR ON BEHALF OF THE U.S. GOVERNMENT OR ITS PERSONNEL IN CONNECTION WITH THEIR MISSION IN THE DOMINICAN REPUBLIC.

(U) THE TWO GOVERNMENTS SHALL COOPERATE IN TAKING THE NECESSARY STEPS TO ENSURE THE SECURITY OF UNITED STATES PERSONNEL AND PROPERTY IN THE DOMINICAN REPUBLIC.

(U) VEHICLES, VESSELS, AND AIRCRAFT OWNED OR OPERATED BY OR FOR UNITED STATES ARMED FORCES SHALL NOT BE SUBJECT TO PAYMENT OF LANDING OR PORT FEES, PILOTAGE CHARGES, NAVIGATION, OVERFLIGHT OR PARKING CHARGES, OR LIGHTERAGE OR HARBOR DUES WHILE IN THE DOMINICAN REPUBLIC; THE UNITED STATES ARMED FORCES SHALL PAY REASONABLE CHARGES FOR SERVICES REQUESTED AND RECEIVED.

(U) THE GOVERNMENT OF THE DOMINICAN REPUBLIC SHALL ACCEPT AS VALID PROFESSIONAL LICENSES ISSUED BY THE APPROPRIATE UNITED STATES GOVERNMENT AUTHORITIES TO UNITED STATES PERSONNEL.

(U) IF, NOTWITHSTANDING PROVISIONS OF THIS OR OTHER AGREEMENTS BETWEEN THE UNITED STATES AND THE DOMINICAN REPUBLIC, LOCAL AUTHORITIES DETAIN ANY UNITED STATES PERSONNEL, THE DOMINICAN REPUBLIC AUTHORITIES SHALL IMMEDIATELY NOTIFY THE EMBASSY OF THE UNITED STATES OF AMERICA IN THE DOMINICAN REPUBLIC AND PROMPTLY RETURN SUCH PERSONNEL TO UNITED STATES CUSTODY. THE DOMINICAN REPUBLIC AND UNITED STATES MILITARY POLICE INVESTIGATORS SHALL COOPERATE IN THE INVESTIGATION OF ANY CRIME BELIEVED TO HAVE BEEN COMMITTED BY OR AGAINST UNITED STATES PERSONNEL.

(U) IT SHALL BE THE RESPONSIBILITY OF UNITED STATES PERSONNEL TO RESPECT THE LAWS OF THE DOMINICAN REPUBLIC AND TO ABSTAIN FROM ANY ACTIVITY INCONSISTENT WITH THE SPIRIT OF THEIR MISSION. AUTHORITIES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL TAKE THE NECESSARY STEPS TO THAT END.

(U) UNITED STATES PERSONNEL IN THE DOMINICAN REPUBLIC SHALL ENJOY FREEDOM OF MOVEMENT AND THE RIGHT TO UNDERTAKE THOSE ACTIVITIES DEEMED NECESSARY FOR THE PERFORMANCE OF THEIR MISSION.

(U) THE GOVERNMENT OF THE DOMINICAN REPUBLIC SHALL ACCEPT FULL RESPONSIBILITY FOR, AND SHALL HOLD THE UNITED STATES GOVERNMENT HARMLESS FROM, ANY AND ALL CLAIMS ARISING FROM THE USE OF PROJECTS CONSTRUCTED, OR IN THE PROCESS OF BEING CONSTRUCTED, IN WHOLE OR IN PART, BY UNITED STATES PERSONNEL IN CONNECTION WITH THEIR MISSION IN THE DOMINICAN REPUBLIC.

(U) FINALLY, BOTH GOVERNMENTS SHALL WAIVE ANY AND ALL CLAIMS (OTHER THAN CONTRACTUAL CLAIMS) AGAINST EACH OTHER FOR PERSONAL INJURY TO OR DEATH OF THEIR MILITARY OR CIVILIAN PERSONNEL, OR FOR DAMAGE, LOSS, OR DESTRUCTION OF THE OTHER'S PROPERTY ARISING OUT OF ACTIVITIES COVERED BY THIS AGREEMENT. THE UNITED STATES SHALL PAY, IN ACCORDANCE WITH UNITED STATES LAW AND REGULATIONS, FAIR AND REASONABLE COMPENSATION IN SETTLEMENT OF MERITORIOUS CLAIMS BY THIRD PARTIES ARISING OUT OF ACTS OR OMISSIONS OF UNITED STATES PERSONNEL, OR WHICH ARE OTHERWISE INCIDENT TO AGREED ACTIVITIES BY UNITED STATES PERSONNEL IN CONNECTION WITH THEIR MISSION IN THE DOMINICAN REPUBLIC.

(U) ADDITIONAL ARRANGEMENTS AS MAY BE NECESSARY MAY BE ENTERED INTO BY THE APPROPRIATE AUTHORITIES OF THE TWO

GOVERNMENTS.

(U) THE EMBASSY OF THE UNITED STATES OF AMERICA PROPOSES THAT THIS NOTE AND THE MINISTRY,S REPLY THERETO SHALL CONSTITUTE AN AGREEMENT BETWEEN THE TWO GOVERNMENTS ON THIS SUBJECT AND THAT ITS PROVISIONS SHALL BE IN FORCE FOR AN INITIAL TERM OF ONE YEAR AS OF THE DATE OF THE MINISTRY,S REPLY. THE PARTIES SHALL CONSULT PRIOR TO THE EXPIRATION OF THE INTIAL TERM TO DETERMINE WHETHER TO EXTEND OR MODFIY THE AGREEMENT OR ALLOW IT TO LAPSE. DURING THE INITIAL ONE-YEAR TERM OR ANY EXTENDED ONE-YEAR TERM, EITHER GOVERNMENT MAY TERMINATE THIS AGREEMENT BY GIVING THE OTHER GOVERNMENT SIX MONTHS PRIOR WRITTEN NOTICE OF ITS INTENT TO TERMINATE THIS AGREEMENT. (COMPLIMENTARY CLOSING.) END TEXT.

14. (U) THE SUGGESTED REPLY OF THE GOVERNMENT OF THE DOMINICAN REPUBLIC SHOULD READ AS FOLLOWS: BEGIN TEXT: (COMPLIMENTARY OPENING) AND REFERS TO THE EMBASSY,S NOTE (NUMBER AND DATE) WHICH READS AS FOLLOWS:

(QUOTE U.S. NOTE IN ITS ENTIRETY).

THE SECRETARY OF STATE FOR FOREIGN RELATIONS HAS THE FURTHER HONOR TO INFORM THE EMBASSY OF THE UNITED STATES OF AMERICA THAT THE PROPOSALS SET FORTH IN THE EMBASSY,S NOTE ARE ACCEPTABLE TO THE GOVERNMENT OF THE DOMINICAN REPUBLIC AND TO CONFIRM THAT THE EMBASSY,S NOTE AND THIS NOTE SHALL CONSTITUTE AN AGREEMENT BETWEEN THE TWO GOVERNMENTS, WHICH SHALL ENTER INTO FORCE ON THIS DATE. END TEXT.

15. (U). STATE POCS ARE GEOFFREY SCHADRACK, WHA/CAR, 202-647-4757, OR CDR MARC GUARIN, L/PM, 202-647-7563. THE DEPARTMENT OF DEFENSE POCS ARE VANESSA MITCHELL, 703-697-3190, AND WALTER EARLE, OSD/WHA, 703-697-3327.

16. (U) UPON CONCLUSION OF THE EXCHANGE OF NOTES, EMBASSY SHOULD REPORT THE AGREEMENT BY CABLE, AND SEND THE ORIGINAL HOST COUNTRY NOTE WITH A CERTIFIED COPY OF THE U.S. NOTE TO THE DEPARTMENT, L/T, ROOM 5420 (ATTN:DAPHNE COOK).
CLINTON